GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

UNSTARRED QUESTION NO:5288
ANSWERED ON:28.04.2003
VIOLATION OF FOREST CONSERVATION ACT BY KERALA
K. FRANCIS GEORGE

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Union Government had given clearance to the Government of Kerala in 1999 to construct a weir at Mukkali in Palghat District of the State;

(b) if so, the details thereof;

(c) whether in January 2003 the Union Government had stayed the construction of the weir;

(d) if so, the reasons therefor;

(e) whether the Union Government have conducted any enquiry regarding the alleged violation of the Forest Conservation Act by the Government of Kerala prior to the issuance of the stay order as far as the construction of the weir is concerned;

(f) if so, the details thereof and if not, the reasons therefor;

(g) whether as per the Forest Conservation Act, 1980 any construction work which has met all the conditions of the said Act cannot be stayed unilaterally; and

(h) if so, the reaction of the Union Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI DILIP SINGH JU DEV)

(a) Yes, Sir.

(b) Ministry of Environment & Forests through its Regional Office, Bangalore has given approval for diversion of 1.25 ha. of forest land in Mukkali forest station to Panthanthode in Agali Panchayat, Mannarkad Taluk, Mannarkad Division, Palakkad District for constructing weir & leading channel from stream subject to certain conditions.

(c) Yes, Sir.

(d) to (f) On a representation received from Bhavani River Water Protection All Party Committee of Coimbatore - Erode District regarding construction of a Check dam along the river Bhavani and felling of trees, site inspection was carried out by the Deputy Conservator of Forests, Regional Office, Bangalore on 28.01.2003.The enquiry revealed that the weir is not constructed as per the approval given under Forest (Conservation) Act, 1980. Instead of constructing the weir across the stream near Bhavani River and leading channel from the stream to Panthanthode, for which use of forest land has been approved, an earthen-dam across the Bhavani River has been constructed and the work of construction of leading channel between Manthampotty stream to Bhavani River was in progress. The work has been undertaken for a completely different project for which approval under the Forest (Conservation) Act, 1980 was neither sought by the State Government, nor accorded by the Ministry of Environment and Forests.Thus, the work was being carried out in violation of the Forest (Conservation) Act, 1980. Therefore, the Ministry, after due consideration, decided to keep in abeyance the clearance granted by the Regional Office, Bangalore till further orders and requested for stopping the work forthwith.

(g) & (h) As mentioned above, the construction work was carried out in violation of the Forest (Conservation) Act, 1980. After issuance of abeyance order in January, 2003, the show cause notice was issued to the State Government on 07.02.2003. Reply from the State Government has been received. The matter is now sub-judice since a case in this regard has been filed and pending in the Hon`ble High Court of Kerala and also a petition is pending before the Cauvery Water Disputes Tribunal.